

**DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS**

**3161. Misbranding of amphetamine hydrochloride tablets, dextro amphetamine hydrochloride tablets, and thyroid tablets. U. S. v. David Greenberg (Frank's Pharmacy). Plea of guilty. Fine, \$500. (F. D. C. No. 29118. Sample Nos. 51679-K, 51686-K, 51693-K, 52125-K, 52146-K.)**

**INFORMATION FILED:** May 1, 1950, Southern District of Ohio, against David Greenberg, trading as Frank's Pharmacy, Cincinnati, Ohio.

**INTERSTATE SHIPMENT:** On or about January 24 and February 3, 1949, from the States of Illinois and Michigan into the State of Ohio.

**ALLEGED VIOLATION:** On or about June 12, July 24 and 30, and August 5, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused certain quantities of the drugs to be repacked and sold to various persons, which acts resulted in the repackaged drugs being misbranded.

**LABEL, WHEN SHIPPED:** "Amphetamine HCl 10 mgs. per tablet," "Dextro Amphetamine HCl 5 mgs. per tablet," and "Thyroid Strong \* \* \* 50% Stronger than U. S. P."

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (1), the repackaged drugs failed to bear labels containing the name and address of the manufacturer, packer, or distributor; Section 502 (b) (2), the *amphetamine hydrochloride tablets* and the *dextro amphetamine hydrochloride tablets* failed to bear labels containing a statement of the quantity of the contents; Section 502 (e) (1), the *amphetamine hydrochloride tablets* and the *dextro amphetamine hydrochloride tablets* failed to bear labels containing the common or usual name of the drugs; Section 502 (f) (1), the directions "Use as Directed," borne on the labeling of the *thyroid tablets*, were not adequate directions for use; and Section 502 (f) (2), the *amphetamine hydrochloride tablets* and the *dextro amphetamine hydrochloride tablets* failed to bear labeling containing adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

**DISPOSITION:** June 12, 1950. A plea of guilty having been entered, the court imposed a fine of \$500.

**3162. Misbranding of sulfathiazole tablets and Seconal Sodium capsules. U. S. v. Peoples Pharmacy, Inc., and Samuel I. Pigurski. Pleas of nolo contendere. Fine of \$150 plus costs, against defendants jointly. (F. D. C. No. 29114. Sample Nos. 60607-K to 60610-K, incl., 60613-K, 60614-K.)**

**INFORMATION FILED:** April 25, 1950, Northern District of Indiana, against Peoples Pharmacy, Inc., Gary, Ind., and Samuel I. Pigurski, secretary-treasurer and pharmacist for the corporation.

**INTERSTATE SHIPMENT:** From the State of Illinois into the State of Indiana, of quantities of *sulfathiazole tablets* and *Seconal Sodium capsules*.

**ALLEGED VIOLATION:** On or about May 13, 18, and 23, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repackaged and sold without a prescription, which acts of the defendants resulted in the repackaged drugs being misbranded.